

P&G Case 7546M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
David S. Dunlop et al. : Confirmation No. 8865
Serial No. 09/558,465 : Group Art Unit 1615
Filed April 25, 2000 : Examiner H.N. Sheikh

For SHAMPOOS PROVIDING A SUPERIOR COMBINATION OF ANTI-DANDRUFF
EFFICACY AND CONDITIONING

TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

OFFIC

Dear Sir:

Petitioner, The Procter & Gamble Company, is the owner of the entire right, title and interest in the above-identified application (the assignment recorded on October 29, 2002 at reel 013213, frame 0167). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/558,466, filed on April 25, 2000 (the assignment recorded on November 18, 2002 at reel 013247, frame 0007), and of prior Application No. 09/558,447, now granted as Patent No. 6,451,300, issued September 19, 2002 (the assignment recorded on March 15, 2002 at reel 012487, frame 0802). The evidentiary documents for the assignments have been reviewed, and petitioner certifies that to the best of petitioner's knowledge and belief, title is in the assignee to take this action. Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on the second application and U.S. Patent No. 6,451,300 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Authorization is given to charge Deposit Account No. 16-2480 for the fee required under 37 C.F.R. §1.20 (d) of \$110.00 for submission of this Terminal Disclaimer. A duplicate copy of this correspondence is enclosed to facilitate charging of the fee.

Respectfully submitted,

By Linda M. Sivik
Linda M. Sivik
Agent for Applicants
Registration No. 44,982
(513) 626-4122

Date: August 15, 2003

Customer No. 27752

Procter & Gamble – Intellectual Property Division**IMPORTANT CONFIDENTIALITY NOTICE**

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AUG 18 2003

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8
GROUP 1600**

**TO: Commissioner of Patents
United States Patent and Trademark Office
Attn: Examiner Humera N. Sheikh
Fax No. (703) 308-3592
Phone No. (703) 308-1234**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 15, 2003, to the above-identified facsimile number.

Linda M. Sivik (Signature)

**FROM: Linda M. Sivik
Fax No. (513) 626-1355
Phone No. (513) 626-4122**

Listed below are the item(s) being submitted with this Certificate of Transmission:

- 1) Corrected Terminal Disclaimer, and one copy for authorization to charge fee to Deposit Account.

Number of Pages Including this Page: 5

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Comments:

The Terminal Disclaimer faxed on August 11, 2003 had an error. Prior application No. 09/558,447 was listed as 09/588,447. The subsequent granted patent No. 6,451,300 was correct.